

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:
Michael John Branson et al.

Serial No.: 10/078,605

Confirmation No.: 5551

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Filed: February 19, 2002

Group Art Unit: 2145

Examiner: Ajay M. Bhatia

For: SOFTWARE CONTROL IN A BUSINESS TRANSACTION ENVIRONMENT

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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July 2, 2008
Date

/Joseph Jong/
Joseph Jong

Dear Sir:

REQUEST FOR REHEARING

Appellants submit this Request for Rehearing to the Board of Patent Appeals and Interferences in response to the *Decision dated May 2, 2008*.

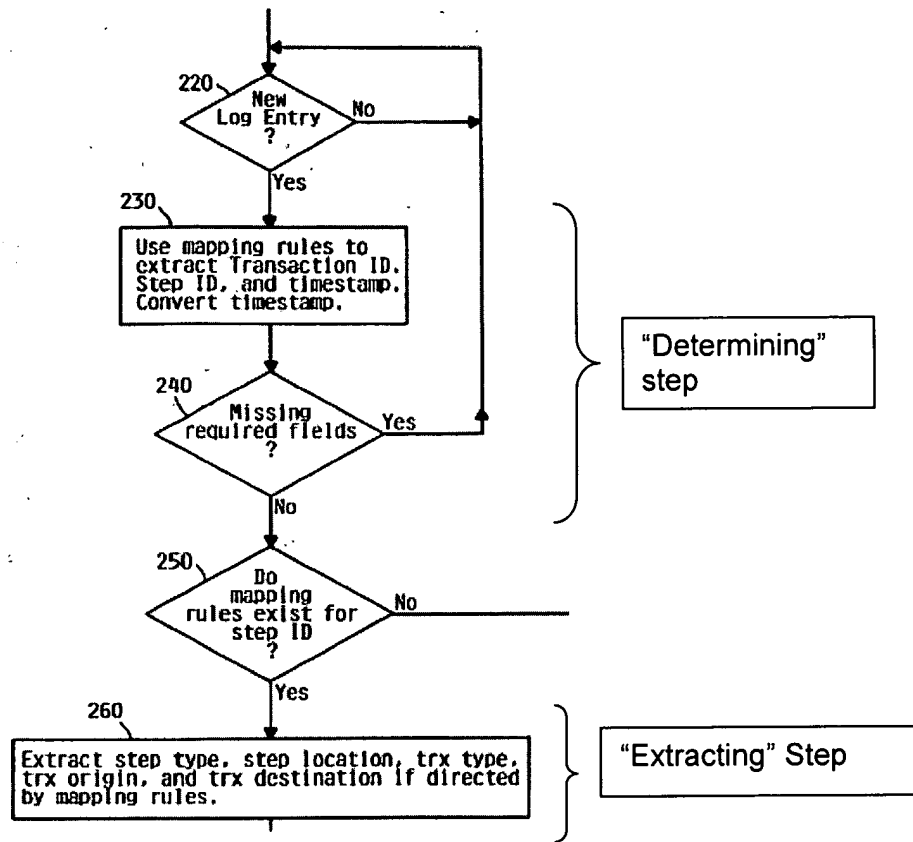
Respectfully, the Board has not fully appreciated, and therefore not fully considered, the arguments presented on appeal by Appellants. In particular, the Board has given no weight and no apparent consideration to the term "required" as this term is used in each of the independent claims. Further, the Board's Opinion makes erroneous conclusions regarding what the Board considers to be Appellants' position and stipulations with respect to *Matson* (United States Patent 6,668,254), the primary

reference being applied by the Examiner. To this end, Appellants provide the following clarifications.

Each of the independent claims include the following limitations: “determining whether the new log entry comprises one or more required fields using mapping rules that describe a location and format of the at least one or more required fields in the respective associated log; and extracting information from the new log entry only if the new log entry comprises the one or more required fields.” Thus, the “determining” step is a condition precedent which must be satisfied in order for the extracting step to be performed at all (“only if”).

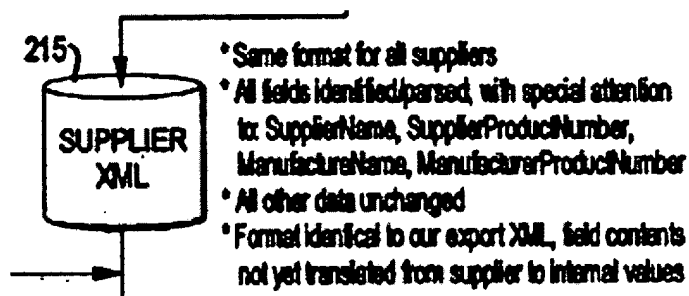
In this regard, it may be helpful to understand the claim language in the context of a specific example.¹ The relevant portion of Figure 2 of the present application is reproduced below and annotated to indicate which portions correspond to the claimed steps. As illustrated, steps 230 and 240 of Figure 2 generally correspond to the step of “determining whether the new log entry comprises one or more required fields using mapping rules that describe a location and format of the at least one or more required fields in the respective associated log”. In other words mapping rules are used to examine the log entry for the presence of predefined required fields according to location and format of the required fields. In the absence of these required fields, no further processing is done on the log entry. If, however, by application of the mapping rules to the log entry, the required fields are determined to be present, the process proceeds to step 260 where information is extracted from the new log entry. Thus, step 260 corresponds to the claimed “extracting” step which is only performed if the new log entry comprises the one or more required fields.

¹ Of course, Appellants recognize that limitations will not be read into the claims from the specification. However, Appellants also recognize that the claims are to be read in light of the specification. In any case, the example is provided merely to facilitate an understanding of the plain meaning of the claims.



In contrast, *Matson* does not conditionally extract fields from a log entry on the condition that required fields are present, where the presence of the required fields is determined using mapping rules that describe a location and format of the required fields in the respective associated log. To the contrary, *Matson* specifically teaches that all fields will be extracted (i.e., parsed). The following excerpts from *Matson* are relevant.

Excerpt from Figure 2 (note reference to "All fields identified/parsed..."):



Col. 5, lines 35-38 (emphasis added):

This means that **every "field"** that the supplier supplies/identifies as part of the dataset will be parsed from the input file and stored as separate elements in the supplier XML file.

The foregoing portion of *Matson* indiscriminately parses every field in supplied by the supplier in the dataset without a prior determination of the presence of "required" fields. And there is certainly no teaching of using "mapping rules that describe a location and format of the at least one or more required fields in the respective associated log" in order to determine the presence of required fields in the respective associated log.

With regard to the meaning of "parsing" as used in *Matson*, Appellants note that the Board erroneously presumes that the Appellants stipulate to a particular definition of parsing. Specifically, the Board states the following:

As Appellants' discussion in the paragraphs bridging pages 11 and 12 of the Brief recognizes, the parsing feature of column 5, includes the capability of parsing as to required fields that include location and formatting information for each of the potentially different types and formats of supplier data received from the plural, different suppliers. *Opinion*, page 4, lines 9-13.

In fact, the paragraphs bridging pages 11 and 12 reflect the characterizations made by the Examiner regarding *Matson*, and do not reflect the Appellants' own characterization of *Matson*. Note that this portion of the Appellants' Brief specifically state that these characterizations are the Examiner's assertions and cites to Examiner's Advisory Action, p. 2, mailed June 9, 2006.

Further, the Board states that: "Appellants appear to analogize the feature of differential analysis such as in element 205 in figure 2 and/or element 217 in this figure to the claimed determining cause as well as the parsing teachings at column 5 to the claimed extracting feature of the claims on appeal." *Opinion*, p. 3, lines 20-24. In fact, Appellants make no such analogy. It is precisely Appellants' position that *Matson* does not teach extracting information from a new log entry only after having first determined the presence of required fields in the log using mapping rules. Therefore, except to the extent that parsing generally teaches extracting, Appellants do not analogize these features of the reference to the claimed steps.

More fundamentally, and with all respect to the Board, the conclusions reached by the Board (and Examiner) appear to be premised on an erroneous understanding of *Matson*. Specifically, the Board suggests that the "differential analysis" of *Matson*, as represented in element 205 and/or element 217 of Figure 2, can be analogized to the claimed determining cause, while the "parsing" taught in column 5 can be analogized to the claimed extracting. *Opinion*, p. 3, lines 17-24. Respectfully, these analogies are untenable, as will now be explained.

Assume first that the claimed determining step corresponds to the simple differential analysis of *Matson* performed at step 205. In this case, no parsing is performed in relation to the differential analysis performed at step 205. As can be seen from Figure 2, the logic leg that begins with step 205 terminates with step 209. The parsing, however, is performed at step 211. See, col. 5, lines 22-27 describing the

conversion/parsing at step 211. Thus, the parsing performed at step 211 is not included in the logic path that includes step 205. It is an inescapable conclusion, therefore, that the differential analysis performed at step 205 cannot possibly be a condition precedent for the parsing that is performed at step 211. It should be noted that the fact that the processing performed at step 211 may be performed after performing the simple differential analysis at step 205 is entirely immaterial as it relates to the present claims. This is because there is still no necessary conditional relationship between the steps (205 and 211). The performance of step 211 is in no way conditional on step 205. Step 205 can be performed without step 211, and step 211 can be preformed without step 205; and even where both steps are performed for a given file, step 205 does not identify the presence of fields that are required as a condition to performing step 211. This is because steps 205 and 211 are, algorithmically, part of separate preprocessing analyses (both defined within the larger framework of the “data importing pre-processing phase” of Figure 2): one that begins at step 205 and the other that begins at step 211, each producing its own results for analysis. See, Figure 2, col. 4, line 35 to col. 5, line 23. Therefore, there is simply no way to characterize the parsing that occurs at step 211 as being conditional upon anything that occurs at step 205.

Assume now that the determining step of the Appellants' claims is analogized to the differential analysis performed at step 217 and the extracting is again analogized to the parsing at step 211. In this case, the “determining” would be performed after the parsing and, therefore, directly contrary to the order in which steps are performed by the Appellants' claims.

It should be clear, therefore, that *Matson* simply does not teach the particular limitations of the present claims.

CONCLUSION

For the reasons presented above and in Appellants' Appeal Brief, Appellants respectfully submit that the Examiner errs in finding that claims 1-2 and 4-30 are unpatentable over *Matson et al.* (U.S. Patent 6,668,254, hereinafter *Matson*) in view of *Landry* under 35 U.S.C. § 103(a).

Withdrawal of the rejections and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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